


EXHIBIT A

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X </p>	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
PRIVACY PATROL LLC PAUL SMITH/REGISTERED AGENT 1030 ST. GEORGE AVE., STE. 200 AVENEL, NJ 07001		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type	
7013 3020 0001 1490 3851		<input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
PS Form 3811, July 2013		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Domestic Return Receipt			

**SMALL CLAIMS CITATION**

Honorable Kenneth S. Cannata
Justice of the Peace, Pct 3
22333 Grand Corner Dr. Suite 102
Katy TX 77494

Case No. 16-JSC31-00437

Weston Farris

In the Justice Court

Vs.

Precinct 3

Privacy Patrol LLC

Fort Bend County Texas

TO: ANY SHERIFF, CONSTABLE OR OTHER PERSON AUTHORIZED BY LAW, OR ANY PERSON CERTIFIED UNDER ORDER OF THE TEXAS SUPREME COURT:

Deliver this citation to:

Privacy Patrol LLC
Registered Agent/Paul Smith
1030 St Georges Ave Ste 200
Avenel NJ 07001

The State of Texas to Privacy Patrol LLC, Defendant, in the hereinafter-styled and numbered cause:

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

This citation is issued pursuant to a petition filed by the above-named plaintiff on April 12, 2016. The plaintiff's attorney name and address, or the plaintiff's address, if they have no attorney, are:

Plaintiff's Name & Address

Weston Farris
4843 Claridge Park LN
Katy TX 77494

Attorney's Name & Address

No Known Address

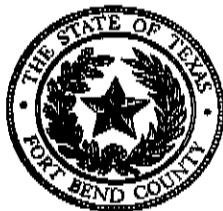
Issued and given under my hand on 4/12/2016

Honorable Kenneth S. Cannata
Fort Bend County, Texas

By

Jacqueline A. Garcia, Justice Court Deputy

COURT COPY

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Plaintiff's Name & Address

Weston Farris
4843 Claridge Park LN
Katy TX 77494

Plaintiff's Attorney

No Known Address

Issued and given under my hand on 4/12/2016

Honorable Kenneth S Cannata
Fort Bend County, Texas

By: 

Jacqueline A. Garcia, Justice Court Deputy

DEFENDANT'S COPY

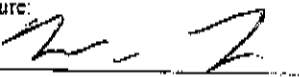
JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

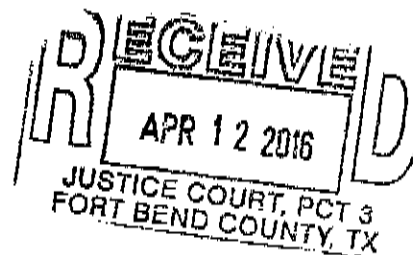
CAUSE NUMBER (FOR CLERK USE ONLY): 16 JSC31-00437

STYLED Weston Farris v. Privacy Patrol LLC

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a lawsuit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		2. Names of parties in case:	
Name: <u>Weston Farris</u>	Telephone: <u>281-816-6767</u>	Plaintiff(s): <u>Weston Farris</u>	
Address: <u>4843 Claridge Park Ln.</u>	Fax: 		
City/State/Zip: <u>Katy, TX 77494</u>	State Bar No: 	Defendant(s): <u>Privacy Patrol LLC</u>	
Email: <u>wes.farris@thegazelle.net</u>			
Signature: 		[Attach additional page as necessary to list all parties]	
3. Indicate case type, or identify the most important issue in the case (select only 1):			
<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.		<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.		<input checked="" type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	



Case No. 16-JSC31-00437

In the Justice Court, Precinct 3, Fort Bend County, Texas

Weston Ferris

Plaintiff

VS

Privacy Patrol LLC

Defendant

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

Before me, the undersigned authority, on this day personally appeared:

Weston Ferris

Who, under penalty of perjury (fine and/or up to one year in jail), state the following:

My name is Weston Ferris

I am ☒ the plaintiff or ☐ Attorney of record or authorized agent of the plaintiff.
I am capable of making this affidavit. The facts stated in the affidavit are within
my personal knowledge and are true and correct.

(check one)

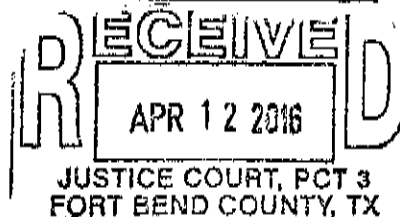
☒ Defendant is not in the military.

☐ Defendant is in the military service, I know this because _____

☐ I am unable to determine whether or not the Defendant is in military service.

[Signature]

Plaintiff Signature/Attorney or Agent for Plaintiff

SWORN TO and SUBSCRIBED before me on this 12th day of April, 2016Angie GambillNotary Public in and for the State of Texas
Or Clerk of the Justice Court

CASE NO. 16-JSC31-00437WESTON FARRIS
Plaintiff pro se,

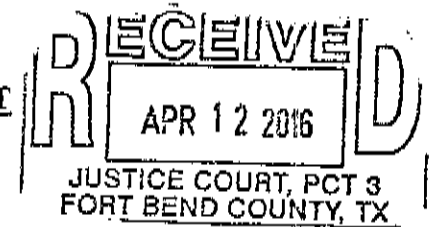
VS.

Privacy Patrol LLC
Defendant§
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§
§
§

IN THE JUSTICE COURT OF

FORT BEND COUNTY, TEXAS

PRECINCT 3

PLAINTIFF'S ORIGINAL COMPLAINTPARTIES

1. Plaintiff Weston Farris (hereinafter "Plaintiff") is an individual residing in the state of Texas in Fort Bend County, and resides at 4843 Claridge Park Ln., Katy, TX 77494.

2. Defendant Privacy Patrol LLC (hereinafter "Defendant") is a New Jersey Limited Liability Company located at 1030 St. Georges Avenue, Ste. 200, Avenel NJ 07001. Defendant's registered agent is Paul Smith, 1030 St. Georges Avenue, Ste. 200, Avenel NJ 07001.

JURISDICTION AND VENUE

3. This is an action for claims under the Telephone Consumer Protection Act (TCPA), TCPA regulations, and the Texas Business and Commerce Code. As such this Court has jurisdiction to hear the claims under 47 U.S.C. §227(b)(3) and Tex Bus. & Com. Code §305.053.

4. Venue is proper in this County as the occurrences which gave rise to this claim occurred in Fort Bend County, the Defendant is a non-resident of Texas, and the Defendant conducts business in Fort Bend County.

BACKGROUND

5. The Telephone Consumer Protection Act ("TCPA") consists of 47 U.S.C. §227 as amended and the FCC's implementing rules (see generally 47 C.F.R. §64.1200). The TCPA

places conduct, record keeping, and disclosure requirements on persons or entities engaged in telephone solicitations and facsimile transmissions. It also provides private right of action by a consumer in State court in response to violations of the TCPA regulations.

ACTS OF THOSE MAKING CALLS ON BEHALF OF DEFENDANT

6. Whenever it is alleged in this complaint that Defendant did any act, it is meant that the Defendant performed, caused to be performed, and/or participated in the act and/or that Defendant's officers, employees, contractors, assigns, successors, predecessors, affiliates, or other agent performed or participated in the act on behalf of, acted with apparent authority or actual authority, for the benefit of, and/or under the authority of the Defendant.

FACTUAL ALLEGATIONS

7. On January 28, 2016 Plaintiff received a phone call from the phone number 320-301-7017. The phone call was made to Plaintiff's cell phone, was made without the Plaintiff's prior express consent, and was not for emergency purposes.

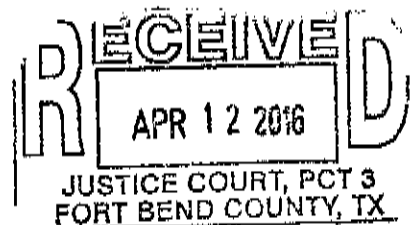
8. When Plaintiff answered the call, a prerecorded message stated that the Plaintiff had won a \$100 gift card and instructed the Plaintiff to press 1 to receive the "free" gift card.

9. After pressing 1, the Defendant came on the line and stated that in order to receive the "free" gift card, Plaintiff would be required to pay a \$3.95 shipping fee.

10. Defendant went on to state that Plaintiff would be enrolled in services provided by the in exchange for the "free" gift card.

11. Plaintiff's credit card was charged \$2.95. Credit card records show that the entity responsible for the charge was "PRIVACYPATROL8552722815".

12. Plaintiff subsequently cancelled the services offered by the Defendant.



13. On or about February 29, 2016, Plaintiff received an unsolicited check from "Garden State Readers Serv". The check had an address identical to that of the Defendant.

14. Despite being charged for the Defendant's services, the Plaintiff never received the \$100 gift card that was promised during the original call that was made in violation of the TCPA.

WILLFUL OR KNOWING CONDUCT

15. The Defendant knew, or should have known that its conduct violated the law. The Federal Communications Commission has interpreted "willful or knowing" under the Telecommunications Act (of which the TCPA is a part), as not requiring bad faith, but only that the person have reason to know, or should have known, that his conduct would violate the statute. *Manufacturers Auto Leasing Inc. v. Autoflex Leasing Inc.* 139 S.W.3d 342(Tex. App. 2004 pet. denied) citing *State of Texas V. American Blast Fax, Inc.*, 164 F. Supp.2d 892,899 (W.D. Tex. 2001).

16. The foregoing actions by the Defendant constitute violation(s) of the TCPA, TCPA regulations, and the Texas Business and Commerce Code.

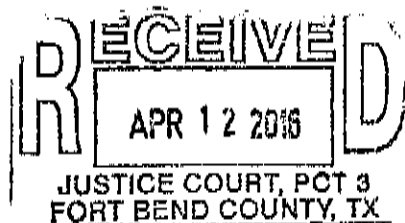
CAUSE OF ACTION

Count I

Knowing/willful violations of the TCPA (47 U.S.C. §227)

17. Plaintiff incorporates, as if fully rewritten herein, all foregoing paragraphs.

18. Defendant's call to Plaintiff's cell phone using a prerecorded message for telemarketing without the Plaintiff's prior express consent constitutes a violation of 47 U.S.C. §227(b)(1)(A)(iii). Plaintiff is entitled to an award of statutory damages in the minimum amount of \$500 per call pursuant to 47 U.S.C. §227(b)(3) and Tex. Bus. & Com. Code §305.053.



19. Defendant's call to Plaintiff's cell phone using a prerecorded message for telemarketing constitutes a knowing and/or willful violation of 47 U.S.C. §227(b)(1)(A)(iii). Plaintiff is entitled to an award of statutory treble damages of \$1500 for the call in violation of the TCPA, pursuant to 47 U.S.C. §227(b)(3) and Tex. Bus. & Com. Code §305.053.

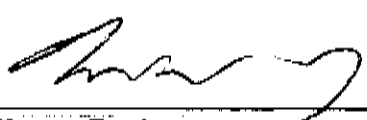
CONCLUSION AND PRAYER

WHEREFORE, Plaintiff hereby prays for the following relief on the foregoing claims against the Defendant:

- A. Statutory damages of \$500 for each call made with a prerecorded message to the Plaintiff's cell phone in violation of the TCPA (47 U.S.C. §227)
- B. Statutory treble damages of \$1500 for each call made with a prerecorded message to the Plaintiff's cell phone in violation of the TCPA (47 US §227).
- C. Pre-judgment interest from the date of the phone calls
- D. Attorney's fees for bringing this action
- E. Costs of bringing this action; and
- F. Any and all other relief that the Court may deem just and proper

Respectfully submitted,

By: _____


Weston Farris
Plaintiff, *pro se*
4843 Claridge Park Ln.
Katy, Texas 77494
wes.farris@thegazelle.net
(281) 816-6767
April 8, 2016

